REMARKS

Claims 1-3 and 5-16 remain pending in the application.

The Applicants respectfully request that the Examiner reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Interview

The Applicants thank the Examiner for granting and conducting an interview for the subject application on September 22, 2006. During the interview the Applicants discussed the Examiner's interpretation of Kojima's data frame as being contrary to Kojima's own definition of a TDMA data frame.

Moreover, the Examiner stated that a "data frame" is being broadly interpreted. However, as Applicants pointed out during the interview a claim element may be broadly interpreted but cannot be interpreted contrary to that as defined by Applicants' disclosure.

Allowed Claims 6-13, 15 and 16

The Applicants again thank the Examiner for the indication that claims 6-13, 15 and 16 are allowed.

Claims 1-3 and 5 over Kojima

Claims 1-3 and 5 were rejected under 35 USC 103(a) as allegedly being anticipated by U.S. Pat. No. 5,886,999 to Kojima ("Kojima"). The Applicants respectfully traverse the rejection.

Claims 1-3 and 5 recite at least one of a transmitter to transmit and a receiver to receive a transmitted plurality of time slot based data frames, wherein less than all, but more than one, of the plurality of time slot based data frames, as transmitted, including a sync word.

The Examiner's Response to Arguments section of the Office Action alleges that a broad interpretation of Kujima discloses in Fig. 4 various "data frames" as portion PA as one data frame, portion SWV and video data

portion as one data frame, SWA and audio data portion as one data frame, and SWM and other media as one data frame. However, as pointed out during the interview, Kojima's disclosure fails to support the Examiner's interpretation of Fig. 4. The Examiner cannot simply pick elements from Kojima and call them a data frame simply because it is convenient to reject the claimed features.

Moreover, Kojima only mentions a data frame, a term of art, once within the entire disclosure at col. 1, lines 62-63. However, it is this one mention of a data frame that is critical to an understanding of the type of data structure that is being disclosed in Fig. 4. Kojima at col. 1, lines 62-63 discloses a TDMA frame, as shown in Fig. 12, that is used within a TDMA transmission/reception system as disclosed in Fig. 11. Kojima' invention provides an improvement in a TDMA transmission/reception system by stopping output to an external terminal sooner that is done in the prior art (see Kojima, col. 2, lines 57-67; col. 5, lines 1-8). Thus, Kojima's signal format as shown in Fig. 4 provides for an improved TDMA signal format over the prior art's TDMA signal format as shown in Fig. 12 to further include synchronous words SWV, SWA, and SWM added to a respective video data portion, audio data portion and media data portion. Thus, Kojima's Fig. 4 signal format is a TDMA frame comprising a plurality of synchronous words. Kojima's invention relies on a plurality of synchronous words being added to each data frame to allow sooner stopping of output in the event of dropped frames. In contrast to Kojima's invention that relies on using more synchronous words within a conventional TDMA frame, Applicants' invention relies on the use of less synchronous words, i.e., wherein less than all, but more than one, of the plurality of time slot based data frames, as transmitted, including a sync word, as recited by claims 1-3 and 5.

Moreover, the broadest reasonable interpretation cannot be inconsistent with the specification, which illustrates the claimed data frame (see, e.g., Figure 5B) which conventionally comprising a synch word at the beginning of each frame. Hence, "claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest _reasonable_ interpretation.'" MPEP § 2111.01 at 2100-37 (Rev. 1, Feb. 2000) (quoting In re Marosi, 218 USPQ 289, 292 (Fed. Cir. 1983)(emphasis in

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original)).   Thus, the Examiner's broadest reasonable interpretation of the Applicant's claimed data frame as read in light of Applicants' specification is improper.

The Examiner acknowledged that Kojima "may not specifically disclose the sync word is at a beginning of all the time slot based data frames", however the Examiner alleged that "it is generally considered to be within the ordinary skill in the art to shift the location of parts absent a showing of unexpected results" (see Office Action, page 4).   Applicants are not simply shifting a location of parts over the cited prior art to arrive at an invention.   In fact, Applicants' own disclosed prior art in Fig. 5B discloses a sync word at the beginning of a data frame.   Applicants' claimed features rely on the use of less synchronous words to communicate a data frame than the prior art that is not disclosed or suggested by the prior art, i.e., wherein less than all, but more than one, of the plurality of time slot based data frames, as transmitted, including a sync word, as recited by claims 1-3 and 5.
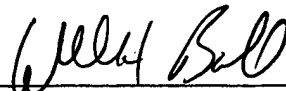
Moreover, the Examiner questioned during the interview why it would not be obvious to simply use less sync words.   Conventional systems, such as TDMA, rely on a sync word being part of every data frame.   Nothing within the prior art that relies on a sync word being a part of every data frame to operate properly suggests a complete redesign of their hardware to accommodate use of a sync word within less than every data frame.

For at least these many reasons, claims 1-3 and 5 are patentable over the prior art of record.   It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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